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October 26, 1955

Mr. Harrison G. Reynolds
Director of Personnel
Central Intelligence Agency
Washington 25, D. C.

Dear Mr. Reynolds:

I have your letter of October 19th relative to retention of retirement status, by continuity of employment, in a position otherwise excluded.

The term "appointment", appearing in Chapter R5-15 of the Federal Personnel Manual, is not used in its technical sense, nor is it limited to employment by a personnel action. Two supporting decisions on this point may be cited -- 14 Comp. Gen. 253 (personal service contract) and 15 Comp. Gen. 1036 (informal hiring).

Accordingly, while the individual originally hired through personal service contract is excluded from retirement coverage by Executive Order 9154, coverage is mandatory if such employment follows, without break in continuity, service wherein he was subject to the Retirement Act. This is of course applicable only to a personal service contract, since under an independent contractor relationship the individual would not be considered a Federal employee.

Sincerely yours,

/s/

Andrew E. Ruddock
Chief, Retirement Division

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